

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Bodo Gerold et al.	Confirmation No.: 1514
Appln. No.:	10/596,797	Group Art Unit: 3738
Filed:	April 26, 2007	Examiner: TBA
Title:	RADIO-OPAQUE MARKER FOR MEDICAL IMPLANTS	Atty. Docket No. 149459.00002
		Customer No.: 25207

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450


REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Correction of the Filing Receipt received for the above-referenced matter is requested. The Domestic Priority data should identify the subject application as a 371 of **PCT/EP04/10081 09/07/2004**. Accompanying this request is a copy of Applicant's previous request to correct the priority data as well as a copy of the Declaration evidencing the accurate priority application. A marked-up copy of the Filing Receipt is also enclosed for your reference. Please correct the Filing Receipt.

Thank you for your assistance.

Respectfully submitted,
POWELL GOLDSTEIN LLP



Jason A. Bernstein/
Jason A. Bernstein
Reg. No. 31,236

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bodo Gerold et al.

Appln. No.: 10/596,797

Filed: June 23, 2006

Title: RADIO-OPAQUE MARKER FOR
MEDICAL IMPLANTS

Confirmation No.: 1514

Group Art Unit: 3738

Examiner: TBA

Atty. Docket No.: 149459.00002

Customer No.: 25207

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P.O. Box 1450
Alexandria, VA 22313-1450

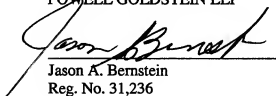
TRANSMITTAL LETTER

Applicant respectfully requests that the Transmittal Letter originally filed electronically with the U.S. Patent Office for the above-identified application be amended as follows. The electronic Transmittal listed the International Application Number as PCT/US04/10081. The International Application Number should be **PCT/EP2004/010081**, and was correctly identified in the Declaration, the Preliminary Amendment, the Marked-Up Specification and the Substitute Specification.

Additionally, Applicant hereby submits the attached English Translation of International Application No. PCT/EP2004/010081 as requested by PCT Operations.

It is believed that no fees are due; however the Commissioner for Patents is authorized to charge any required fees to Deposit Account 50-1429.

Respectfully submitted,
POWELL GOLDSTEIN LLP



Jason A. Bernstein
Reg. No. 31,236

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Certificate of Facsimile Transmission

I hereby certify that this document is being transmitted by facsimile to (571) 270-9987 on March 14, 2007, and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: 

Print Name: LuAnn K. Miller

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☒ Declaration Submitted With Initial Filing OR ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	149459.00002
First Named Inventor	Bodo Gerold
COMPLETE IF KNOWN	
Application Number	TBA
Filing Date	TBA
Art Unit	TBA
Examiner Name	TBA

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RADIO-OPAQUE MARKER FOR MEDICAL IMPLANTS

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 09/07/2004 as United States Application Number or PCT International

Application Number PCT/EP2004/010061 and was amended on (MM/DD/YYYY) 06/22/06 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
103 61 942.9	DE	12/24/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> The address associated with Customer Number:		25207		OR <input type="checkbox"/> Correspondence address below	
Name Jason A. Bernstein, Powell Goldstein LLP					
Address 1201 West Peachtree Street, NW					
City Atlanta		State Georgia		ZIP 30309-3488	
Country		Telephone		Email	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any)) Bodo		Family Name or Surname Gerold			
Inventor's Signature <i>Bodo Gerold</i>		Date 18 th May 2006			
Residence: City Zellingen		State		Country Germany	
Mailing Address Thüngenstrasse 38a		Zip 91225		Country Germany	
City Zellingen		State		Country Germany	
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any)) Claas		Family Name or Surname Harder			
Inventor's Signature <i>Claas Harder</i>		Date May 22, 2006			
Residence: City Uttenreuth		State		Country Germany	
Mailing Address Memelstrasse 7		Zip 91080		Country Germany	
City Uttenreuth		State		Country Germany	
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					

DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>1</u> of <u>1</u>	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Bened		Heublein (deceased)	
Inventor's Signature			Date
Hannover		Germany	German
Residence: City	State	Country	Citizenship
Albrechtstrasse 2			
Mailing Address			
Hannover		D-30627	Germany
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Heinz		Möller	
Inventor's Signature			Date
Erlangen		Germany	German
Residence: City	State	Country	Citizenship
Subenichstrasse 14d			
Mailing Address			
Erlangen		91054	Germany
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 116 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-785-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION Supplemental Sheet **For Legal Representatives (35 U.S.C. 117) On Behalf of A Deceased or Incapacitated Inventor**

Enter Deceased or Incapacitated Inventor's Name Bernd Heublein Page 1 of 1

Name of Legal Representative:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Eva		Heublein	
Legal Representative's Signature <i>Eva Heublein</i>		Date <i>15th April 2007</i>	
Residence: City	Coburg	State	Germany
		Country	German Citizenship
Mailing Address Wassergasse 4			
Mailing Address Wassergasse 4			
City	Coburg	State	96450
		Zip	Germany
Name of Additional Legal Representative, if any:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Nora		Heublein	
Legal Representative's Signature <i>Nora Heublein</i>		Date <i>April 17th, 2007</i>	
Residence: City	Koeln	State	Germany
		Country	German Citizenship
Mailing Address Ostlandstrasse 50			
Mailing Address Ostlandstrasse 50			
City	Koeln	State	50858
		Zip	Germany
Name of Additional Legal Representative, if any:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Christoph		Heublein	
Legal Representative's Signature <i>Christoph Heublein</i>		Date <i>15th April 2007</i>	
Residence: City	Hannover	State	Germany
		Country	German Citizenship
Mailing Address Albrechtstrasse 2			
Mailing Address Albrechtstrasse 2			
City	Hannover	State	30627
		Zip	Germany

This collection of information is required by 35 U.S.C. 117 and 37 CFR 1.42, 1.43, 1.63 and 1.64(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-785-9199) and select option 2.



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United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/596,797	04/26/2007	3738	1030	149459.00002	18	2

CONFIRMATION NO. 1514

25207
POWELL GOLDSTEIN LLP
ONE ATLANTIC CENTER
FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW
ATLANTA, GA 30309-3488

FILING RECEIPT



OC000000023727601

Date Mailed: 05/08/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bodo Gerold, Zellingen, GERMANY;
Claus Harder, Uttenreuth, GERMANY;
Bernd Heublein, Hannover, GERMANY, Deceased;
Eva Heublein, Coburg, GERMANY, Legal Representative;
Nora Heublein, Koeln, GERMANY, Legal Representative;
Christoph Heublein, Hannover, GERMANY, Legal Representative;
Heinz Muller, Erlangen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number **25207**.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/10081 03/31/2004 *
(*Data provided by applicant is not consistent with PTO records.

PCT/EP04/10081 09/07/2004

Foreign Applications

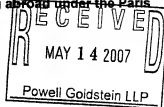
GERMANY 10361942.9 12/24/2003

If Required, Foreign Filing License Granted: 05/07/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/596,797**

Projected Publication Date: 08/16/2007

DOCKETED
5-15-07 KAD



Non-Publication Request: No

Early Publication Request: No

Title

Radio-opaque marker for medical implants

Preliminary Class

128

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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NOT GRANTED

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